

VICKI H. YOUNG
Law Offices of Vicki H. Young
706 Cowper Street, Suite 205
Palo Alto, California 94301

Telephone (415) 421-4347

E-FILED - 5/7/09

Counsel for Defendant Tan Vo

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,)	No. CR 08-000402 RMW
)	
Plaintiff,)	STIPULATION TO CONTINUE
)	MOTIONS HEARING DATE;
vs.)	<input type="checkbox"/> ORDER
)	
JULES MINH VO, et.al.)	
)	
Defendants.)	
_____)	

It is hereby stipulated between the United States of America, by and through Assistant United States Attorneys David R. Callaway, and defendants Jules Minh Vo, Nhu Mai Nguyen, Tan Minh Vo, Kevin Vo, Nguyen Nhu Tran, and Richard Khoi Tran, by and through their respective defense counsel, that the motions hearing date of April 6, 2009, be continued to April 20, 2009, at 9:00 a.m., and that the previously set briefing schedule be adjusted to reflect the new date.

The reason for this continuance is that defense counsel are in the midst of preparing a number of pretrial motions but will not be able to complete the motions by the current filing date of March 2, 2009. Defense counsel Vicki Young will be out of the district from February 26, 2009, through March 1, 2009, and she anticipates that she will need another two weeks to compete the motions.

///

STIP AND ☐ ORDER

1 The briefing schedule will be modified as follows:

2 March 16, 2009 Defense Motions to be Filed

3 March 30, 2009 Government Response to Motions to be Filed

4 April 13, 2009 Defense Reply Briefs to be Filed

5 April 20, 2009 Motions Hearing Date

6 The ends of justice served by such a continuance outweigh the best interest of the public and
7 the defendants in a Speedy Trial within the meaning of Title 18 U.S.C. §3161(h)(8)(A).

8 Time has already been excluded to April 6, 2009. The parties stipulate that the time between
9 April 6, 2009, and April 20, 2009, shall be excluded from the period of time within which trial must
10 commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq., pursuant to Title 18, United States
11 Code, Section 3161(h)(8)(A), considering the factors set forth in Section 3161(h)(8)(B). As required
12 by 18 U.S.C. §3161 (h)(8)(B)(iv), it is stipulated that the ends of justice outweigh the best interest of
13 the public and the defendant in a speedy trial and the denial of the stipulation to continue the
14 motions hearing would unreasonably deny the defendants reasonable time necessary for effective
15 preparation of the pretrial motions and defense, taking into account the exercise of due diligence,
16 and would deny the defendant continuity of counsel. 18 U.S.C. §3161(h)(8)(B)(iv).

17 It is so stipulated.

18 Dated: February 25, 2009

Respectfully submitted,

19
20 /s/ Vicki H. Young
VICKI H. YOUNG, ESQ.
Attorney for Tan Minh Vo

21 Dated: February 26, 2009

22 /s/ Richard Pointer
RICHARD POINTER, ESQ.
Attorney for Jules Minh Vo

23
24 Dated: February 25, 2009

25 /s/ Peter Leeming
PETER LEEMING, ESQ.
Attorney for Nhu Mai Nguyen

26
STIP AND [] ORDER

1 Dated: February 26, 2009

/s/ Allen Schwartz
ALLEN SCHWARTZ, ESQ.
Attorney for Kevin Vo

3 Dated: March 2, 2009

/s/ Wendy Kim for David Johnson
DAVID JOHNSON, ESQ.
Attorney for Nguyen Nhu Tran

6 Dated: February 25, 2009

/s/ Jack Gordon
JACK GORDON, ESQ.
Attorney for Richard Khoi Tran

9 Dated: March 2, 2009

JOSEPH P. RUSSIONIELLO
UNITED STATES ATTORNEY

/s/ David R. Callaway
DAVID R. CALLAWAY
Assistant United States Attorney

STIP AND [] ORDER

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CR No.: CR 08-000402 RMW
)	
v.)	ORDER FOR
)	CONTINUANCE OF
JULES MINH VO, et.al.,)	<u>STATUS DATE _____</u>
)	
Defendants.)	
_____)	

The briefing schedule will be modified as follows:

The Court finds the time between April 6, 2009, and April 20, 2009, is excludable from the Speedy Trial Act requirements of Title 18, United States Code, Section 3161 pursuant to Title 18, United States Code, Sections 3161(h)(8)(A) and 3161(h)(8)(B)(iv). The parties agree that the time is excludable in that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in an earlier trial specifically based on the need by defense counsel for additional time to prepare pretrial motions. For these reasons, there is good cause for the continuance and failure to grant the continuance would unreasonably deny the government and the defendants

- 4 -

1 reasonable time necessary for effective case preparation taking into account the exercise of due diligence
2 under 18 U.S.C. 3161(h)(8)(B)(iv).

3 IT IS SO ORDERED.

4 DATE: 5/7/09


RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE

26 STIP AND ☐ ORDER